

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORINDA IRENE SWAIN,

Plaintiff,

v.

ROSETTUS WEEKS ,

Defendant.

HONORABLE PAUL L. MALONEY

Case No. 1:05-cv-438

ORDER SETTING ASIDE PREVIOUS ORDER

On November 17, 2010, this Court issued an Opinion and Order declining without prejudice the August 2008 Report and Recommendation; dismissing without prejudice the petitioner's objections; and requesting the magistrate judge prepare a revised Report and Recommendation (Dkt. #57). On December 3, 2010, petitioner filed a motion seeking correction of the Court's opinion and order (Dkt. #58). In the motion, petitioner asserts a timely application to appeal a decision of reversal by the Michigan Court of Appeals to the Michigan Supreme Court was filed. On December 16, 2010, the application was denied and a motion for reconsideration of that denial remains pending in the Michigan Supreme Court at this time. In light of the pending matter before the Michigan Supreme Court, the Court will **SET ASIDE** its previous order of November 17, 2010 (Dkt. #57). This matter remains **STAYED** pending action by the Michigan Supreme Court. Upon decision by the Michigan Supreme Court, the petitioner shall file a notice of the decision rendered within 28 days.

IT IS SO ORDERED.

Date: February 8, 2011

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge